

EXHIBIT E
SCOPE OF WORK
AND SCHEDULE

This Scope of Work, which is an enforceable part of the Consent Decree (Decree), contains a program designed to protect public health, welfare, and the environment from the known or threatened release of hazardous substances or contaminants at, on, or from the Roderick Timber Site (Site), as defined in Exhibits B and D. Based on the facts and determinations found in the Decree, the City of Aberdeen and the Grays Harbor Historical Seaport Authority (Defendants) agree to provide Ecology the following deliverables in the manner and time frames described herein. Defendants have further agreed to allocate primary responsibility for each deliverable as indicated below.

DELIVERABLES:

Task 1 – Draft Engineering Design Report

The City of Aberdeen, within three months from effective date of decree, shall prepare a Draft Engineering Design Report. The Report shall be prepared by or under the direct supervision of a registered, professional engineer and shall be submitted in accordance with all relevant provisions of WAC 173-340, Sections 400 and 410.

The report shall include the following:

- a) Goals of the cleanup action, including cleanup or performance requirements;
- b) General information on the Site, including a summary of information in the remedial investigation/feasibility study updated as necessary to reflect the current conditions;
- c) Identification of whom will own, operate, and maintain the Site during and following construction;
- d) Facility maps, showing existing Site conditions and proposed locations of the cleanup action system components, including surface water drainage features and storm water conveyances, as applicable;

- e) A schedule for construction of the final cleanup action and monitoring systems;
- f) Summary descriptions of the portions of the remedial action that were constructed prior to the issuance of this decree;
- g) A summary conceptual design and description of the final cleanup action per the Final Cleanup Action Plan (Exhibit A);
- h) Facility-specific characteristics that may affect design, construction, or operation of the selected cleanup action, including facility operations and seasonal flooding at the site;
- i) Engineering justification for design parameters and demonstration that the cleanup action will achieve cleanup goals;
- j) Discussion of methods for management or disposal of residual and other waste materials containing hazardous substances generated as a result of the cleanup action, as applicable;
- k) Information needed to fulfill applicable requirements of the State Environmental Policy Act (Chapter 43.21C RCW), and any additional information needed to address the applicable state, federal, and local requirements;
- l) Permitting and a copy of any required permits;
- m) Detailed construction plans and procedural material specifications necessary for construction of the final cleanup systems for the landfill and maintenance areas prepared in conformance with currently accepted engineering practices and techniques;
- n) A **Compliance Monitoring Plan** prepared under WAC 173-340-410 describing monitoring to be performed during construction and operation, as applicable, and a **sampling and analysis plan** meeting the requirements of all relevant provisions of WAC 173-340-820. This Section shall also include planning for monitoring:
 - (i) **Protection Monitoring**, per relevant provisions of WAC 173-340-410(1)(a), to confirm that human health and the environment are protected during cleanup action construction.

- (ii) **Performance Monitoring**, per relevant provisions of WAC 173-340-410(1)(b), designed to confirm that the cleanup action achieves cleanup goals. This will also include surface water and groundwater monitoring per the Final Cleanup Action Plan (Exhibit A) for the Site designed to ensure that Site cleanup standards are achieved and to evaluate the need for supplemental cleanup action, if any. Performance monitoring and reporting will occur semi-annually for two years beginning immediately after completion of final cleanup action construction. Progress Reports shall be due to Ecology on the tenth day of the third month following the monitoring. (For a June monitoring event a progress report would be due September 10.) The plan shall include sampling and analysis methodologies per relevant provisions of WAC 173-340-820. For any proposed new monitoring wells, the plan will also include well locations and depths and construction details.
- (iii) **Confirmational Monitoring**, per relevant provisions of WAC 173-340-410(1)(c), designed to confirm the long-term effectiveness of the cleanup action. This will also include surface water and groundwater monitoring per the Final Cleanup Action Plan (Exhibit A) for the Site designed to ensure Site cleanup standards are maintained. Confirmational monitoring and reporting is to occur annually following completion of Performance Monitoring and continue until the Defendants have received written notification from Ecology that the requirements of this Decree have been satisfactorily completed. The plan shall include sampling and analysis methodologies per relevant provisions of WAC 173-340-820. The frequency of sampling, analytes tested, and number of sampling locations may change following review of site analytical results after performance monitoring is completed and at other junctures determined by Ecology. Progress Reports shall be due to Ecology on the tenth day of the third

month following the monitoring. (For a monitoring event ending in June, a progress report would be due September 10.)

- o) **Safety and Health Plan** per WAC 173-340-810; and
- p) **Operation and Maintenance Plan.** A plan for operation and maintenance of the final remedial action system components including the groundwater interception trench and bioswale system, fencing, capping, and vegetation. The Plan shall list regular maintenance items and inspection and maintenance procedures and frequencies, and present technical guidance and regulatory requirements, as applicable, to assure effective operations. The operation and maintenance plan shall include the following elements:
 - (i) Name and phone number of the responsible individuals;
 - (ii) Process description and operating principles for the bioswale and maintenance yard cap;
 - (iii) Design criteria and operating parameters and limits, as applicable;
 - (iv) General operating and maintenance procedures, as applicable;
 - (v) Contingency procedures for spills and releases; and
 - (vi) Description of procedures which assure that the safety and health requirements of WAC 173-340-810 are met, including specification of contaminant action levels and contingency plans, as appropriate.

Task 2 – Final Engineering Design Report

Three weeks after issuance of Ecology's comments on the draft report, the City of Aberdeen shall submit to Ecology a Final Engineering Design Report.

The Defendant shall submit a final Engineering Design Report that amends the draft Engineering Design Report to satisfy all written comments submitted by Ecology regarding the draft report.

Task 3 – Construction and Operation of Final Cleanup Action

Per the schedule contained in the Final Engineering Design Report, the City of Aberdeen shall undertake Construction and Operation of the Final Cleanup Action.

Construction shall be performed in accordance with, and shall execute the requirements of, the Ecology-approved Final Engineering Design Report, including construction plans and specifications contained therein.

Construction shall be performed under the supervision of a professional engineer registered in the State of Washington. During construction, records shall be kept of the work performed, including construction techniques and materials used, items installed, and any tests and measurements performed.

The City shall document all major and critical construction phases with photographs. An extra copy of the photos shall be submitted to Ecology along with the project record drawings.

The City shall submit to Ecology monthly, written progress reports upon completion of the Final Engineering Design Report and continuing through the construction of the Final Cleanup Action. Progress Reports shall be due to Ecology on the tenth day of the month following the month covered by the report.

Task 4 –Performance Monitoring and Reporting

The City of Aberdeen shall undertake performance monitoring and reporting and provide reports on the tenth day of the third month following each sampling event for the first two years after completion of the Final Cleanup Action Construction.

Operation and maintenance of a remedial action system shall be in conformance with, and shall execute the applicable requirements of, the following Ecology-approved Deliverables: Final Engineering Design Report, including construction plans and specifications contained therein, and Operation and Maintenance Plan, including the Compliance Monitoring Plan.

Performance monitoring shall be conducted in accordance with the Ecology-approved Compliance Monitoring Plan. Reports shall include monitoring results of the most recent

monitoring period and tabular presentation of contaminant concentrations for monitoring periods.

Task 5 – Project Record Drawings

The City of Aberdeen shall complete project record drawings within two months after completion of Final Cleanup Action Construction.

The engineer responsible for the supervision of construction shall update the construction plans showing changes to the remedial design made during construction, and shall prepare a report documenting Site construction work, including those portions of the final remedial action which had been constructed prior to the issuance of this decree. With respect to those portions of the final remedial action that were constructed prior to the issuance of this decree, schematic drawings of as-built conditions, using the best information reasonably available, may be used upon approval from Ecology.

Task 6 – Implementation of Institutional Controls

Grays Harbor Historical Seaport Authority (GHSA) shall record the Restrictive Covenant (Exhibit C) and implement institutional controls contained therein within 60 days from the effective date of the Consent Decree.

A restrictive covenant shall be recorded with Gray's Harbor County to ensure that the Site remediation systems and controls (fencing, bio-swale, soil capping and introduced vegetation) continue to remain functional and operational. This restrictive covenant will also provide that no voluntary conveyance of title, easement, leasehold, or other interest in any portion of the Site shall be consummated without provision for continued operation and maintenance of any containment system, treatment system, and/or monitoring system required pursuant to this Decree to the extent such activities are required by Ecology after implementation of the Cleanup Action Plan.

Prior to transfer of any legal or equitable interest in all or any portion of the property, the current owner of the Site, GHHSA, shall serve a copy of this Decree upon any prospective purchaser, lessee, transferee, assignee, or other successor in interest of the property; and, at least thirty (30) days prior to any transfer, GHHSA shall notify Ecology of said contemplated transfer. The GHHSA shall restrict leases to uses and activities consistent with this Consent Decree and notify all lessees of the restrictions on the use of the property.

Task 7 – Long Term Maintenance, Monitoring and Reporting

GHHSA shall undertake long-term maintenance, monitoring, and reporting, beginning two years after completion of the Final Remedial Action Construction.

GHHSA or the current Site owner will maintain all remedial action systems constructed pursuant to this Decree in operable condition for the duration of the Decree. Groundwater and surface water monitoring shall be conducted annually, in accordance with the Confirmational Monitoring Plan, for the duration of this Decree as determined under XXVI Duration of Decree.